

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawai'i 96813

May 25, 2007

Board of Land
and Natural Resources
Honolulu, Hawai'i

REQUEST FOR AUTHORIZATION AND APPROVAL TO ISSUE A
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN
USE PERMIT TO MARK BROWNLOW, BRITISH BROADCASTING
CORPORATION (BBC), FOR ACCESS TO STATE WATERS TO CONDUCT
DOCUMENTARY FILMING ACTIVITIES

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Mark Brownlow, pursuant to chapter 13-60.5, *Hawaii Administrative Rules*, and § 187A-6, *Hawaii Revised Statutes*, and all other applicable laws and regulations. The Special Ocean Use Permit, described below, will allow activity to occur in the NWHI State Marine Refuge (0-3 miles) waters surrounding French Frigate Shoals (Mokupāpapa) to conduct documentary filming activities. The activities will occur from June 12, 2007 through July 10, 2007, as outlined below and in the attached permit application.

INTENDED ACTIVITIES

The BBC proposes to send a small film crew of around six people to film the annual fledging of the albatross chicks, and related tiger shark predation at French Frigate Shoals, as well as other wildlife, for their forthcoming South Pacific series.

GOALS / OBJECTIVES: To film the following in state-of-the-art high-definition format:

- Albatross and fledging event
- Tiger sharks preying upon albatross chicks
- General topside and underwater scenes and details.
- Bird colonies at Tern Island and La Pérouse Pinnacle
- Hawaiian monk seals
- Green sea turtles nesting

PROCEDURES

- Filming tiger sharks and albatross underwater and topside at East Island. Activity to be mainly focused in the area around approx. coordinates: 23° 47' N, 166 ° 12' W

- Filming birds from the water and ashore on Tern Island, in the area around approx. coordinates: 23° 52' N, 166 ° 17' W
- Filming birds at La Pérouse Pinnacle, in the area around approx. coordinates: 23° 46' N, 166 ° 14' W
- Filming general scenes, and underwater life in and around the French Frigate shoals area.

REVIEW PROCESS:

The permit was sent out for review and comment to the following entities: Division of Aquatic Resources staff, Papahānaumokuākea Marine National Monument staff, United States Fish and Wildlife Service (USFWS), the Office of Hawaiian Affairs (OHA), and the Kaho‘olawe Island Reserve Commission (KIRC). At the recommendation of OHA, two additional members of the Native Hawaiian community were also consulted.

The summary of comments is as follows:

One reviewer had concerns regarding the film crew's activities in relation to any cultural or historic sites that may be present on at French Frigate Shoals (FFS).

One agency had concerns about the lack of reference to cultural impacts of the project.

RESPONSE:

DAR staff contacted the USFWS to determine the status of any listed historic sites at FFS. The USFWS indicated that there are no listed historic sites at FFS.

DAR contacted OHA regarding cultural impacts of the filming activities. The film crew will receive a cultural briefing before commencing the proposed activities.

IMPACT ANALYSIS

Although the filming activity has the potential to cause some disturbance to Monument wildlife, the applicant's proposed activities are designed to minimize potential impacts. The applicant will work in cooperation with USFWS personnel to ensure their activities cause minimal disruption. Therefore it is anticipated that this activity will have minimal impact on Monument resources

FINAL STAFF RECOMMENDATIONS:

DAR staff is of the opinion that Applicant has properly demonstrated valid justification for this application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with the following special instructions

and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Special Ocean Use Permit General Conditions:

1. Require Applicant to inform and consult with DAR regarding their cruise plan.
2. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to the permit.
3. Tender and dive vessels operating within the Monument must adhere to USFWS small boat protocols.
4. Refueling of tenders and all small vessels must be performed as per USFWS small boat protocols.

RECOMMENDATION:

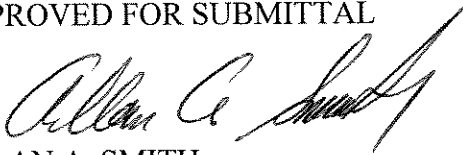
“That the Board authorize and approve, with stated conditions, a Special Ocean Use Permit to Mr. Mark Brownlow, of the BBC, for documentary filming activities during the above-indicated time period.”

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL



ALLAN A. SMITH
Interim Chairperson

Northwestern Hawaiian Islands Marine National Monument
Permit Application

NOTE: This Permit Application (and associated Instructions) are for activities to be conducted in the Northwestern Hawaiian Islands Marine National Monument, including Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, Battle of Midway National Memorial, Northwestern Hawaiian Islands State Marine Refuge, Kure Atoll Hawaii State Seabird Sanctuary, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, please provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historical and cultural resources of the NWHI Marine National Monument (Monument).

Summary Information

Applicant name: MR MARK BROWNLOW

NOTE: PLEASE REFER ALL CORRESPONDENCE TO:

ellen.husain@bbc.co.uk

MISS ELLEN HUSAIN.
ROOM 13 /9 TPR
BRITISH BROADCASTING CORPORATION
BBC NATURAL HISTORY UNIT
BBC BROADCASTING HOUSE
WHITELADIES ROAD
BRISTOL BS8 2LR

Permit categories:

- ☐ Research – Please fill out Sections A-D (as applicable) and Appendix A
- ☐ Conservation and Management - Please fill out Sections A-D (as applicable) and Appendix A
- ☐ Education - Please fill out Sections A-D (as applicable) and Appendix B
- ☐ Native Hawaiian Practices - Please fill out Sections A-D (as applicable) and Appendix C
- ☐ Recreation (Midway ONLY) - Please fill out Sections A-D (as applicable) and Appendix D
- ☒ Special Ocean Use - Please fill out Sections A-D (as applicable) and Appendix E

Briefly describe permit activity:

The BBC proposes to send a small film crew of around six people to film the annual fledging of the albatross chicks, and related tiger shark predation French Frigate Shoals, as well as other wildlife, for our forthcoming South Pacific series.

Filming at French Frigate Shoals will promote awareness of the conservation value of the Hawaiian National Monument, as well as allow members of the public who would not normally have access to the Monument to view, appreciate the wildlife of the area.

South Pacific is a high-end "blue chip" wildlife documentary series from the ex Producers of *Planet Earth* and *Blue Planet*. To be shot in High Definition, this six part series will offer the definitive portrait of the wildlife and cultures of the Pacific islands. The series will continue the BBC's tradition of making top quality wildlife documentaries, by employing state of the art technology and first rate camera operators to capture stunning footage, and never before seen images.

The albatross fledging – tiger shark predation story is to be part of a program on the open ocean, which will examine the challenges facing pelagic species living in a vast ocean such as the Pacific.

This event has been filmed previously by the BBC for the Trials Of Life (BBC, transmitted 1990), but the sequence now appears dated, and would not be suitable for inclusion in our forthcoming *landmark* series. Also, since we are shooting the entire series using high definition, and the format of the old footage is not acceptable. Our proposal is to bring this natural phenomenon to new audiences, using the very latest in technology and expertise to capture the event with modern filming styles and the associated crystal clarity of HD technology. Stylistically we would like to include a larger underwater component, which is lacking from the original Trials Of Life sequence.

Specific planned activities are outlined in more detail in question 6.

- ☐ This application is for a RENEWAL of an existing permitted project.
☒ This application is for a NEW project.

When will the activity take place? A three week period within this time frame:

From: 12 June 2007 **To:** 10 July 2007

- Please note that we are keeping in contact with scientists /conservationists in order to obtain the best information on the timing of the natural event that we propose to film. At present we expect to be arriving on-site at French Frigate Shoals between 15th – 20th June, and anticipate a time window of around two to three weeks duration. Exact dates will be supplied as soon as arrangements are finalized.

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Please Send Permit Applications to:

NWHI Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

Hoku.johnson@noaa.gov

PHONE: (808) 397-2660 **FAX: (808) 397-2662**

NOTE: SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, PLEASE SEE PG 7.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): BROWNLOW, MARK
Title: MR

2. Mailing address (street/P.O. box, city, state, country, zip):

Please note that the following is the applicant's work address, however he will be away on business for long periods of time, so will not always be readily available. Please therefore refer all correspondence to Ellen Husain, as detailed below.

MARK BROWLOW
ROOM 13 /9 TPR
BRITISH BROADCASTING CORPORATION
BBC NATURAL HISTORY UNIT
BBC BROADCASTING HOUSE
WHITELADIES ROAD
BRISTOL BS8 2LR

Phone: 0117 946 785
Fax: 0117 974 2211
Email: mark.brownlow@bbc.co.uk

NOTE: PLEASE REFER ALL CORRESPONDENCE TO:

MISS ELLEN HUSAIN
ROOM 13 /9 TPR
BRITISH BROADCASTING CORPORATION
BBC NATURAL HISTORY UNIT
BBC BROADCASTING HOUSE
WHITELADIES ROAD
BRISTOL BS8 2LR
Phone: 0117 946 969
Fax: 0117 974 2211
Email: ellen.husain@bbc.co.uk

For students, major professor's name, telephone and email address:

Not applicable

3. Affiliation (institution/agency/organization directly related to the proposed project):

BRITISH BROADCASTING CORPORATION
BBC NATURAL HISTORY UNIT
BBC BROADCASTING HOUSE
WHITELADIES ROAD
BRISTOL BS8 2LR

4. Additional persons to be covered by permit:

Boat Crew: Max 6 Persons expected, names yet to be determined.

Film crew: Maximum of 6 persons expected, as listed below:

Maximum total: 12 persons.

Mark Brownlow

Role: Producer

Affiliation: BBC

Telephone: 0064 21 2663070

Email: mark.brownlow@bbc.co.uk

Ellen Husain

Role: Safety Diver /Researcher

Affiliation: BBC

Telephone: +44 (0)117 974 6969

Email: ellen.husain@bbc.co.uk

Richard Wollocombe

Role: underwater camera man

Affiliation: Freelance camera man under BBC Contract

Telephone: 00 1 740 50 77339

Email: getlost@uio.satnet.net

John Aitchison

Role: topside camera man.

Affiliation: Freelance camera man under BBC Contract

Telephone: 07876 280998 mob

01546 870659 home

Email: jml.otterfilms@tesco.net

And one other cameraman /dive master, yet to be determined, who may be one of the following:

*Peter Kragh

Role: Cameraman /dive master

Affiliation: Freelance camera man under BBC Contract

Telephone:

Email: pkragh@underseahunter.com

*Other qualified dive master.

Section B: Project Information

5a. Project location(s):

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input checked="" type="checkbox"/> French Frigate Shoals	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Ocean-based
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Maro Reef		
<input type="checkbox"/> Laysan Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Kure Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Ocean-based
<input type="checkbox"/> Other		

NOTE: Please note there is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

Filming tiger sharks and albatross underwater and topside at East Island.

Activity to be mainly focused in the area around approx coordinates: 23° 47' N, 166 ° 12' W

Filming birds from the water and ashore on Tern Island

In the area around approx coordinates: 23° 52' N, 166 ° 17' W

Filming birds at The Pinnacle

In the area around approx coordinates: 23° 46' N, 166 ° 14' W

Filming general scenics, and underwater life in and around the French Frigate shoals area.

5b. Check all applicable regulated activities proposed to be conducted in the Monument:

- ☐ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving monument resource
- ☐ Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands

- ☒ Anchoring a vessel
- ☐ Deserting a vessel aground, at anchor, or adrift
- ☐ Discharging or depositing any material or matter into the monument
- ☐ Touching coral, living or dead
- ☐ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the monument
- ☐ Attracting any living monument resource
- ☐ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- ☐ Subsistence fishing (State waters only)
- ☐ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

6. Purpose/Need/Scope *State purpose of proposed activities:*

OVERALL PURPOSE: filming for BBC natural history unit's "south pacific" wildlife documentary series.

South Pacific is a high-end "blue chip" wildlife documentary series from the ex Producers of *Planet Earth* and *Blue Planet*. To be shot is high definition, this six part series will offer the definitive portrait of the wildlife and cultures of the Pacific islands. The series will continue the BBC's tradition of making top quality wildlife documentaries, by employing state of the art technology and first rate camera operators to capture stunning footage, and never before seen images.

GOALS / OBJECTIVES: To film the following in state of the art high-definition format:

- i) Albatross and fledging event
- ii) Tiger sharks predating upon albatross chicks
- iii) General topside and underwater scenics and details.
- iv) Bird colonies at tern island and the pinnacle
- v) Hawaiian monk seals (under guidance of local expertise and monk seal researcher advice or supervision – see BBC filming protocol, under question 8)
- vi) Green turtles nesting (under guidance of local expertise and monk seal researcher advice or supervision – see appended BBC filming protocol)

NEED & SCOPE:

Previous footage of this event now appears dated, so and would not be suitable for inclusion in our forthcoming *landmark* series (filmed previously by the BBC for the Trials Of Life, transmitted 1990). The South Pacific series is to be shot in high definition, and therefore the old footage is not acceptable in terms of format, as well as style.

Our proposal is to bring this natural phenomenon to new audiences, using the very latest in technology and expertise to capture the event with modern filming style and the associated crystal clarity of HD technology. Stylistically the new footage will be more in keeping with the

rest of the series, and will be more appealing to modern audiences, we would also like to include a larger underwater component, that was lacking in the original Trials Of Life Sequence.

The north west Hawaiian Islands are inaccessible to the general public; filming this dramatic and compelling sequence will help to raise public awareness of the wildlife of this newly-declared National Monument, enhancing public perception of the value of protection of the site.

7. As explained further in the instructions, please provide any information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historical and cultural resources of the Monument:

THE PROPOSED ACTIVITIES ARE COMPATIBLE WITH THE FINDINGS OF
PRESIDENTIAL PROCLAMATION 8031 AS FOLLOWS:

Finding a: "The activity can be conducted with adequate safeguards for the resources and ecological integrity of the Monument." All bio-security guidelines will be adhered to, and the necessary checks and certifications will be obtained for the vessel prior to entering the Monument (as detailed in question 14). Consultation will be made with the Office of Hawaiian Affairs to ensure that cultural protocols are discussed, and will be incorporated into our work if appropriate. There are no historic or traditional-cultural properties at French Frigate Shoals, and thus there will be no impact on such properties.

Finding b: "The activity will be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects." The BBC Natural History Unit is committed to minimizing the impacts of film shoots on the local environment. Advice of local representatives of the US Fish and Wildlife Service will be sought on best practices for minimizing the impacts of our activities within the monument, however there is no reason to believe that the BBC's activities will diminish Monument resources, or qualities. US FWS guidelines regarding bio-security and ecological integrity will be complied with. No indirect, secondary or cumulative effects are anticipated.

Finding c: "There is no practicable alternative to conducting the activity at the Monument." French Frigate Shoals is one of only two locations where we know this tiger shark behavior occurs, the other location is Midway Atoll, which also falls within the Monument area. The Midway location is problematic for two reasons: Firstly it is known for poor visibility - and is therefore not only unlikely to provide the quality of footage needed for a film of this caliber, but also poses a serious safety risk to have a crew in the water in low visibility conditions with so many tiger sharks present. Secondly, the location is usually windy and is known for choppy seas, so even topside camera work would be problematic because of the movement of the boat.

Finding d: "The end value of the activity outweighs its adverse impacts on Monument resources, qualities, and ecological integrity" No adverse effect on Monument resources is

envisaged. However, other BBC natural history series such as the recent *Planet Earth* demonstrate the positive value of wildlife film making in raising awareness and appreciation of the natural world, reaching mass audiences all over the world. Filming at French Frigate Shoals will promote public awareness of the Monument and its wildlife, as well as allow people who will never have the chance to visit in person to appreciate why the area is special, and why it should be conserved. We therefore submit that the benefits outweigh any potential risks.

Finding e: The duration of the activity is no longer than necessary to achieve its stated purpose" The duration of activity within the Monument is limited to the duration of the natural phenomenon which we are visiting to film. We have expect to remain at French Frigate Shoals for a maximum of three weeks, this corresponds to the period over which the albatross chicks fledge, and is therefore the time necessary for our crew to be in attendance to film the event.

Finding f: "The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct." Producer Mark Brownlow is an extremely experienced BBC wildlife producer, with a proven track record, and specializing in marine documentaries, he has been responsible for many successful wildlife shoots, both in the UK and abroad, including technically ambitious and innovative shoots for the recent critically acclaimed *Planet Earth*, and the *Blue Planet* series.

Finding g: "The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct" Please refer to the answers to questions 10 and 12, which demonstrate adequate funding and insurance.

Finding h: "The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument resources, qualities, and ecological integrity." Where alternative approaches exist the likely impact of the approaches will be taken into account when considering which to use, where appropriate the advice of the FWS or local research scientists will be sought.

Finding I: "The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031" The vessel to be used will be fitted with a suitable mobile transceiver unit prior to entering the National Monument waters.

Finding j: "There are no other factors that would make the issuance if permit for the activity inappropriate." I hereby state that to the best of my knowledge there are no other factors which would make it inappropriate to grant the BBC a permit.

8. Procedures:

Description of procedures:

Underwater filming will be carried out using SCUBA, diving from either a small boat, E.g. skiff or Zodiac, or a small platform to be temporarily constructed in the water specifically for the purpose (so long as this is acceptable to NOAA or other relevant authority). Topside and long lens filming will be conducted either from the platform, or on land (eg on Tern Island) – it is not

possible to carry out long lens filming from a boat, since any movement of the boat at all is greatly exaggerated in frame when the lens is zoomed in, creating an extremely shaky and unusable image.

A temporary platform has been used in the previous filming trips (Eg, the Cousteau trip in 2006, and the BBC Trials of Life trip, in the 1980s), as a place to base divers and camera men near to East Island, minimizing the need to go ashore. We propose to construct a small platform in the shallow water near to East Island, using basic scaffold poles and timber, this will be removed when filming is completed.

Filming ashore of turtles and monk seals will be done under the guidance of the relevant experts and scientific researchers working on these animals. A filming protocol detailing precautions against disturbing the animals has been supplied, the detail of this has been copied on to this application, below.

Transport to filming locations:

It is expected that two small tenders will be brought with us, and that one of these will be dedicated as a dive boat, and the other used more generally as a tender, and also for transport of the topside camera people.

Consultation regarding Hawaiian Affairs:

Consultation will be made with the Office of Hawaiian Affairs to ensure that cultural protocols will be discussed, and will be incorporated into our work if appropriate. Advice will be sought from Heidi Guth of OHA regarding such issues.

Need for Monument staff:

No need for monument staff is anticipated beyond general advice about the location, and what we are allowed to do.

Proposed BBC Filming protocol.

This protocol applies to the BBC's proposed filming of monk seals and green turtles at French Frigate Shoals in June – July 2007, and is to accompany the National Monument Permit Application already submitted.

Intent:

Filming natural monk seal and green turtle behaviour at French Frigate Shoals.

Our Commitment to minimising filming impacts.

The BBC Natural History Unit has 50 years of experience as the World's leading wildlife film maker, and takes pride in the ethical standards and practices that ensue from this heritage. Our intent is to capture the natural behaviour of the animals we are filming, it is therefore imperative that we do not disturb the animals during the filming process or affect their behaviour in any way.

Precautions against disturbance:

- We have sought advice from several scientific experts regarding the proposed filming at French Frigate Shoals. Examples: Beth Flint (Refuge scientist), Angela Anders (Station Manager), and Bud Antonellis (monk seal researcher), Chris Yates (NOAA). Many of these dialogues are ongoing, and we will continue to seek advice as the shoot develops.
- Once on site, wherever practicable we will employ the best practice to minimise any danger of disturbing the seals.
- When filming in sensitive situations we will have the minimum number of people present that is possible (typically this would be a lone cameraman).
- In general local advice will be sought from the staff and researchers on-site at the island.
- A chaperone will be sought to advise us of best practices for approaching the seals without causing any disturbance, especially when going ashore to film seal behaviour on the beaches.

Section C: Logistics

9. Other permits (list and attach documentation of all other related Federal or State permits):

None at present

9a. For each of the permits listed, please identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Please explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.

Not applicable, no previous permits

10. Funding sources (Please attach copies of your budget, specific to proposed activities under this permit and include funding sources. Please see instructions for more information):

Please refer to attached budget for French Frigate shoals film shoot.

11. Time frame:

Activity start: 12 June 2007

Activity completion: 10 July 2007

Dates actively inside the Monument:

Exact dates pending verification of timing of fledging of albatross chicks. It is expected that we will be present for no more than 4 weeks during this time.

From: 12 June 2007

To: 10 July 2007

Please describe any limiting factors in declaring specific dates of the proposed activity at the time of application:

Natural variability in the annual timing of albatross fledging event.

The main limiting factor is the need to coordinate the filming period with the timing of a natural phenomenon (tiger shark predation on fledgling albatross chicks). The timing of this phenomenon varies somewhat from year to year. We will be in contact with scientists monitoring the albatross, in order to narrow the uncertainty surrounding the expected dates of the fledging event, and expect to finalise dates in May.

Personnel schedule in the Monument:

It is anticipated that all crew and BBC personnel will sleep aboard the ship at night. The ship will provide power, water, and diving facilities.

Exact entry dates of boat to the monument are not yet known, but will be supplied as soon as they are available.

Exact point of anchorage has yet to be determined, but will be done so in conjunction with discussion with representatives from NOAA and the USFWS.

12. Please indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument:

PUBLIC LIABILITY INSURANCE: Please refer to the attached cover note for the BBC's public liability insurance, which is valued at £15,000,000 (fifteen million pounds sterling) for any one occurrence.

TRAVEL INSURANCE FOR PERSONNEL: Please refer to the attached travel insurance policy for details of medical and emergency evacuation /repatriation cover for all personnel.

13. Please check the appropriate box to indicate how personnel will enter the Monument:

- ☒ Vessel
☐ Aircraft

Provide Vessel and Aircraft information:

Vessel Monument permit number to be supplied once vessel has been confirmed.

14. What certifications/inspections do you have scheduled for your vessel? Please fill in scheduled date (attach documentation):

- ☒ Rodent free, Date: issued 3/1/07, expires 8/31/07
☒ Tender vessel, Date: inspected 3/01/07, will have re-inspected by 6/1/07 if necessary

- ☒ Ballast water, Date: not applicable
- ☒ Gear/equipment, Date:
- ☒ Hull inspection, Date: 3/01/07, will have re-inspected by 6/1/07 if necessary

All of the inspections have recently been done for F&WS, another hull and tender inspection can be arranged about 2 weeks prior to departure, if it is required

Gear /equipment: dive gear and camera gear will be cleaned and sterilized according to the appropriate guidelines

15. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

This Searcher was used to supply the field station at French Frigate Shoals (Laysan) , and therefore has all the certifications and fulfils the required specifications needed to be allowed into the Monument.

Vessel name: **The Searcher**
Vessel owner: **The Medical Foundation for the Study of the Environment**
Captain's name: **Jonathan Littenberg**
IMO#: **192**
Vessel ID#: **1103056**
Flag: **USA**
Vessel type: **Motor Vessel Steel**
Call sign: **WDA6100**
Embarkation port: **Honolulu**
Last port vessel will have been at prior to this embarkation: **Honolulu**
Length: **96ft**
Gross tonnage: **230**
Total ballast water capacity volume (m3): **n/a**
Total number of ballast water tanks on ship: **0**
Total fuel capacity: **9600 gal**
Total number of fuel tanks on ship: **6**
Marine Sanitation Device: **Headhunter**
Type : **USCG certified type II**

How will you comply with the 'No Discharge' regulations stipulated in Presidential Proclamation 8031? Describe in detail. If applicable, please attach schematics of the vessel's discharge and treatment systems:

All black and grey waters shall be stored in ship's holding tanks. Ship shall leave Monument boundaries prior to any discharging. This may entail one-two trips outside of Monument boundary during our stay.

Other fuel/hazardous materials to be carried on board and amounts: None expected at present, to be confirmed.

Please provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Please provide the name and contact information of the contractor responsible for installing the VMS system. Please also describe unit name and type:

Installer: Oceantronics, 808 522-5600 Glory Caldiera.
Unit name: Thrane & Thrane Sailor Gold VMS

VMS Email:436998398@c.xantic.net
Inmarsat ID#:4tt092e62b15

16. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? Please list the number of tenders/skiffs aboard and specific types of motors:

Two tenders:
20 ft. Carolina skiff with 100 hp Yamaha 4 stroke,
20ft. Zodiac Mark V with 90hp Evinrude ETEC

Section D: Additional Information for Land Based Operations

17. Proposed movement of personnel, gear, materials, and, if applicable, samples:

Where necessary, personnel & gear will be transported ship to shore using the ship's tender. Personnel & gear will be transported between islands at French Frigate Shoals using either the main chartered boat, or the tender, according to which is appropriate for the passage & depth.

18. Room and board requirements on island:

It is anticipated that all personnel will sleep aboard the ship.

19. Work space needs:

None anticipated

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct.

Signature

MR MARK BROWNLOW

Date

16th April 2007

**PLEASE SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT
OFFICE BELOW:**

NWHI Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
FAX: (808) 397-2662

DID YOU INCLUDE THESE?

- ☒ Applicant CV/Resume/Biography
- ☒ Electronic and Hard Copy of Application with Signature ***HARD COPY TO FOLLOW***
- ☒ Map(s) or GPS point(s) of Project Location(s), if applicable
- ☒ Funding Proposal(s) ***FUNDING IS ALREADY IN PLACE, DETAILS ARE SUPPLIED.***
- ☒ Funding and Award Documentation, if already received ***FINANCE DETAILS SUPPLIED***
- ☒ Documentation of Insurance, if already received
- ☐ Documentation of Inspections ***TO FOLLOW***
- ☐ Documentation of all required Federal and State Permits or applications for permits. ***NOT APPLICABLE***
- ☒ Statement of information you wish to be kept confidential

Appendix A: Research OR Conservation and Management Application

NOTE: If land or marine archeological activities are involved, please contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, please contact the Monument office on the first page of this application.

1a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

& size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

1b. What will be done with the specimens after the project has ended?

1c. Will the organisms be kept alive after collection? ☐ Yes ☐ No

• Specific site/location:

• Is it an open or closed system? ☐ Open ☐ Closed

• Is there an outfall? ☐ Yes ☐ No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

2. If applicable, how will the collected samples or specimens be transported out of the Monument?

3. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:

4a. Gear and materials:

4b. Please list all Hazardous Materials you propose to take to and use within the Monument:

5. Fixed installations and instrumentation:

6. Provide a time line for sample analysis, data analysis, write-up and publication of information:

7. List all publications directly related to the proposed project:

DID YOU INCLUDE THESE?

☐ Material Safety Data Sheets for Hazardous Materials

Appendix B: Education Application

1. Are you collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

2. Gear and materials:

3. Fixed installations and instrumentation:

4. Is your proposed activity based on a State Department of Education Standards Based Curriculum? If so, please describe:

5. What materials, products or deliverables will be developed as a result of your proposed activity? Provide a time line for write-up and publication of information or production of educational materials:

6. List all publications/references directly related to the proposed project:

7a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

& size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

7b. What will be done with the specimens after the project has ended?

7c. Will the organisms be kept alive after collection? ☐ Yes ☐ No

• Specific site/location:

• Is it an open or closed system? ☐ Open ☐ Closed

• Is there an outfall? ☐ Yes ☐ No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

8. If applicable, how will the collected samples be transported out of the Monument?

Appendix C: Native Hawaiian Practices Application

1. Please state how the purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols:

2. Please state how the activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community:

3. Please state how the activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands:

4. Will you be collecting any Monument resource? ☐ Yes ☐ No
If so, please provide the following information:

4a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name and/or Scientific name:

& size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

4b. What will be done with the specimens after the Native Hawaiian cultural practice is complete?

4c. Will organisms be kept alive after collection? ☐ Yes ☐ No

• Specific site/location:

• Is it an open or closed system? ☐ Open ☐ Closed

• Is there an outfall? ☐ Yes ☐ No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

NOTE: Any Monument resource harvested from the Monument for the purpose of Native Hawaiian practices will be consumed in the Monument.

5. Are you collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

6. Gear and materials:

7. Will you erect any Native Hawaiian cultural structures or leave any offerings in the Monument? ☐ Yes ☐ No

If so, please describe:

8. Will you produce any publications, educational materials or other deliverables?
☐ Yes ☐ No

Provide a time line for write-up and publication of information or production of materials:

.....

Appendix D: Recreation Application

For Activities in the Midway Atoll Special Management Area Only

1. Please explain how the activity is for the purpose of recreation as defined: An activity conducted for personal enjoyment that does not result in the extraction of Monument resources and that does not involve a fee-for-service transaction:

2. Other Associated Monument Permits:

3. Gear and materials:

4. Fixed installations and instrumentation:

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Appendix E: Special Ocean Use Application

NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project.

1. Please provide proof of general liability insurance, or indicate that you will be posting an equivalent bond against claims arising out of activities conducted under the permit:

Details of public liability insurance are attached (please refer to the answer to Qu.12)

2. Are you collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

Not applicable. No collaboration is planned, the filming of this series is unique to the BBC.

3. Gear and materials:

Camera equipment:

1 x Varicam with underwater housing for underwater filming

1 x Varicam for topside photography of sharks and bird colonies, etc.

1 x Canon Z1 camera for topside and underwater photography.

Associated camera accessories, including tripods, batteries, lenses, etc.

Dive gear:

SCUBA gear for crew (approximately 6 people, to be confirmed).

We do not intend to store anything at the island after leaving.

4. Fixed installations and instrumentation:

Temporary Installation: filming platform.

Two previous film crews have visited French Frigate Shoals, these were the BBC NHU crew in the 1980s, and the Cousteau Ocean Futures Foundation crew in 2004. On both occasions they constructed a small filming platform in shallow water near to the filming location, so as to avoid going ashore unnecessarily and therefore avoid undue disturbance to nesting turtles. We propose to construct something similar so as to afford the best filming opportunities whilst minimizing disturbance to the native wildlife.

Advice will be sought from FWS as to the best way of constructing such a platform so as to cause the smallest impact possible. Materials for construction have yet to be finalized, but it is envisaged that the structure would be composed of a combination of timber and steel bar.

The platform would be installed on arrival, and removed before leaving.

5. List all publications directly related to the proposed project:

Not applicable

For projects occurring with the Midway Atoll Special Management Area answer the following questions: Not Applicable

6. Please explain how your activity has been found compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

7. Please explain how your activity meets the requirement of furthering conservation and management of the Monument:

For projects occurring outside of the Midway Atoll Special Management Area answer the following questions:

8. Please explain how the proposed activity will directly benefit the conservation and management of the Monument:

9. Please explain how the purpose of the proposed activity is for research and education related to resources or qualities of the Monument:

NOTE: SPECIAL OCEAN USE PERMITS OUTSIDE THE MIDWAY ATOLL SPECIAL MANAGEMENT AREA DO NOT ALLOW THE USE OF A COMMERCIAL PASSENGER VESSEL. A commercial passenger vessel is defined by the monument regulations as a vessel that carries individuals who have paid for such carriage.



Department of Land and Natural Resources
Northwestern Hawaiian Islands Permit Application Review

Permit Type: Management ☐ Recreation ☐ Research ☐
Education ☐ Cultural ☐ Special Ocean Use ☒

Working Title: Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Mark Brownlow, British Broadcasting Corporation (BBC), for Access to State Waters to Conduct Documentary Filming Activities.

Project Applicant: British Broadcasting Corporation **Principal Investigator:** Mark Brownlow

Project Location(s) (Both State Waters and Monument): French Frigate Shoals

Project Dates and Duration: June 12, 2007 through July 10, 2007

Project Précis & Background *(Summary of project and why this is proposed):*

The BBC proposes to send a small film crew of around six people to film the annual fledging of the albatross chicks, and related tiger shark predation, at French Frigate Shoals, as well as other wildlife, for their forthcoming South Pacific series.

Are there other relevant permits that have/will be issued with regard to this project? Yes ☐
No ☒

What is the relevance to management and/or the improved understanding of NWHI & MHI?

Filming at French Frigate Shoals will promote awareness of the conservation value of the NWHI and the Marine National Monument, as well as allow members of the public who would not normally have access to the Monument to view and appreciate the wildlife of the area.

Could work be conducted outside the NWHI?: Yes ☐ No ☒

Explain: This documentary specifically focuses on the natural resources of the NWHI

Has Applicant been granted a permit from the State in the past? Yes ☐ No ☒

If so, please summarize past permits:

Have there been any a) violations: Yes ☐ No ☒ **b) late/ incomplete reports:** Yes ☐ No ☒

Any other relevant concerns from previous permits? _____

Impact Analysis

Although the filming activity has the potential to cause some disturbance to Monument wildlife, the applicant's proposed activities are designed to minimize potential impacts. The applicant will work in cooperation with USFWS personnel to ensure their activities cause minimal disruption. Therefore it is anticipated that this activity will have minimal impact on Monument resources

Recommendations:

DAR Staff: Approve this permit application ☒ Reject this permit application ☐
NH CWG: Approve this permit application ☐ Reject this permit application ☐

Additional Comments:

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